MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): I beg to move that the Bill as amended be now passed.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

DEPUTY PRESIDENT: The Bill is passed.

THE TRAVANCORE JENMI AND KUDIYAN REGULATION (AMENDMENT) BILL

MR. KAYALAM PARAMESWARAN PILLAI (*Additional Head Sirkar Vakil*): Sir, I rise to introduce the Travancore Jenmi Kudiyan Regulation Amendment Bill. It has been published in the Gazette with a Statement of Objects and Reasons, and I now beg that the Bill be read in the Assembly.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): I shall now briefly explain the principles of the Bill. As Honourable members are aware the Jenmi Kudiyan Regulation recently underwent many detailed and elaborate amendments and it has been put into working. In the actual working it has been found that there are certain deficiencies in the law as passed then. The object of the Bill is to make provisions for removing those deficiencies. The first amendment now proposed is in respect of section 3 clause (15) of the Regulation which defines what a settlement pattom is for purposes of the Regulation. The settlement pattom is defined in section 3, clause (15) as follows :—

> (15) "Settlement pattom" in respect of a jenmom land means the pattom fixed by Our Government for the Land Revenue purposes at a general Revenue Settlement and includes also the proportionate pattom chargeable on each portion of a land wherever the land is divided for any reason".

It will be noticed that according to the definition given in the Regulation as amended a settlement pattom is one that has *actually* been fixed by Government. But it has been found that there are some very rare cases where Government did not as a matter of fact assess a settlement pattom. That gave some difficulty because we cannot find out what the settlement pattom in respect of the land is because the Government themselves did not assess any pattom. To meet this difficulty the present amendment is proposed in clause 2. The principle of that amendment is that what Government would have fixed as the settlement pattom if the land had been assessed to pattom at the said settlement should be taken as the settlement pattom.

MR. A. THANU PILLAI (*Trivandrum—Rural*): May I know from the member the approximate number of such cases?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Such case are only very few. There are some cases in the Vanjipuzha Edavagai.

The next amendment, and that is the chief amendment in this Bill, is in respect of cherikal lands and in relation to jenmikaram of

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cherikal lands. In respect of ordinary lands the jenmivarom is fixed as the jenmikaram. In the case of cherikal lands a different provision was made in the Regulation as it now stands and that can be seen in sub-clause (*a*) of clause (17) of section 3 which says :—

> (17) "Jenmikaram" in respect of a jenmom land or holding means the amouut payable in respect of that land or holding under the provisions of this Regulation, by the kudiyan to the jenmi every year in lieu of all and every one of the jenmi's claims in respect of the land or holding, such jenmikaram being fixed as follows :—
>
> (*a*) so long as the last general Land Revenue Settlement made by Our Government remains in force, the jenmivaram shall except in the case of cherikal lands, be the jenmikaram, and in the case of cherikal lands the settlement pattamicham with reference to the said last Revenue Settlement *minus* the interest on the kanom amount shall be the jenmikaram ;

Settlement pattom *minus* the Sirkar tax *i. e* the settlement pattamicham is assumed to be the maximum lawful rent due to the jenmi in the case of cherikal lands the jenmikaram was fixed as the settlement pattamicham minus the interest on the kanom amount. It was so done because the kudiyan was entitled to get interest on the kanom amount and that interest is due from the jenmi to the kudiyan and since interest is due on the kanom amount to the kudiyan it is assumed that he must get credit for that and so the settlement pattom micham minus the interest on kanom amount is fixed as jenmikaram in the case of cherikal lands.

Now it will be noticed that in the case of ordinary lands the rent due as per the contract of kanom was fixed as the statutory rent due to jenmi but in the case of cherikal lands a different provision was made and this was made for a particular reason. It was made at the instsnce of the jenmies in the late Council. They contended that if jenmivarom is fixed, as in the case of ordinary lands, there will be great hardship. Their contention was that cherikal lands as originally demised were not improved or fully planted up and were not yielding any substantial yield. So ordinarily the demise on cherikal lands was for a nominal or low rent. But subsequently those lands were planted up and they became very productive, and the kanom was scarcely ever revised having regard to this increased yield.

The point urged was that in respect of the cherikal lands, the jenmies did not, as a matter of fact, get any reasonable rent, although the kudiyans were making large, profits. And, the Amendment Regulation contemplated that after the date of that Regulation there shall not be any revision or renewal till the next settlement. Therefore the jenmies would be put to a difficult situation. They are not now getting anything like reasonable rent, and, until the next settlement, revision or renewal is also absolutely denied. Having regard to this, it was proposed that, in respect of the cherikal lands, there should be a special provision as in the Regulation. In the actual settlement of the *jenmikaram*, however it has been found that the interest on the kanam amount is even higher than the settlement pattamicham and that means that the jenmi will get zero or a *minus*

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[Mr. Kayalam Paramesvaran Pillai.]

quantity as jenmikaram, and they are denied even existing rent. It is proposed therefore to give jenmi either the jenmivaram or the *settlement pattamicham* minus interest on kanom amount, whichever is greater.

There is also one other amendment proposed by this Bill. It is more or less a formal amendment to section 9 of the amended Regulation which runs as follows:

"The jenmikaram of a holding together with the interest, if any, due thereon, when it becomes an arrear, shall be claimable by the jenmi and shall, subject to the priority of the rights of Our Government, be a first charge on the holding."

The House will notice that, in *every instance*, the Government's claim is made a prior charge to the jenmies. In the original Regulation, Government was given priority only in respect of land-tax. Somehow, that fact was overlooked when the Amendment Regulation was passed and, thus, in respect of all amounts due to Government, they have been given priority over the jenmies' dues. Therefore even in respect of agricultural loans or land mortgage loans, for instance, Government get priority over the jenmies' dues. That was not, certainly, the intention at the time the amended Regulation was enacted. The amendment now proposed seeks to make it clear that Government will get priority only in respect of land-tax.

If the principle of the Bill is accepted, I propose to move that it may be referred to a Select Committee for considering the Bill.

MR. R. M. STATHAM (*Director of Public Instruction*): I second it.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): In accepting the principle of the amendments as far as they have now been proposed as subject fit for consideration by a Select Committee (Mr. A. S. Damodaran Asan: *Louder please.*) I would point out that there is need to amend another section of the Regulation also, as it appears to me:

Section 42 of the Regulation as amended says:

"Notwithstanding anything contained in the foregoing, the provisions of this Regulation shall not apply to any kanapattoms executed since the 25th day of Karkadagam 1042, which expressly provide for redemption."

Section 44 runs thus:

"* * * * * The provision of this Regulation shall not apply to any right declared, established, or already acquired by jenmies or kudiyans at the date this Regulation comes into force."

MR. A. S DAMODARAN ASAN (*Mavelikara*): These sections refer to the Amendment Regulation.

DEPUTY PRESIDENT: You can only ask a question, Mr. Asan; you are making a positive statement.

MR A. S. DAMODARAN ASAN (*Mavelikara*): May I know whether the sections now read by the member occur in the old Regulation of 1071 and whether they have been amended by the Amendment Regulation?

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MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): These sections have not been amended by the Amendment Regulation they have been simply carried over from the old Regulation and incorporated with the Amendment Regulation. Sir, the Amendment Regulation has very seriously amended the Regulation of 1071. Still, these provisions say that the provisions of the Amendment Regulation shall not apply to any right declared, established or already acquired by the jenmi or the kudiyan on the date the Regulation came into force. Suppose a right has been acquired before the 1071 Regulation came into force. Certainly, the intention of the Legislature is that it must be affected by the provisions of the Amendment Regulation. But, these provisions say that such rights shall not be affected. There seems to be, therefore, an apparent conflict. The amendment of these provisions also may, therefore, be considered now that the amended Regulation is to be taken up for amendment.

MR A. S DAMODARAN ASAN (*Mavelikara*): On a point of order, Sir. In the Statement of Objects and Reasons of the Bill now proposed to be introduced, the purpose and nature of the amendments have been specifically mentioned. Therefore, I wish to know whether the suggestion of Mr. P. K. Narayana Pillai can be considered under the present Bill. Not that I have any objection to the amendments proposed by him; only I want a ruling from the Chair on it.

DEPUTY PRESIDENT: In fact, that point struck me and that was why I was looking up the Rules. Certain reasons are given why these amendments are necessary. The point now raised by Mr. P. K. Narayana Pillai was not contemplated when the Bill was drafted and published. There are certain formalities to be observed in these matters, publication in the Gazette, and so on. Therefore, we shall be taking the world by surprise by now introducing, in the Bill, provisions about which there has been no notice at all. I wish the Law Member will enlighten us on the point.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): Personally, I think that these amendments now proposed by Mr. P. K. Narayana Pillai will not arise under this Bill which is confined to certain particular sections alone. It is for the Chairman of the Select Committee to decide whether the suggestions now made may also be considered or not.

DEPUTY PRESIDENT: Will the Select Committee have the authority to deal with a matter which they have not been asked to deal with?

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*): My own view is that the Select Committee will not have the authority to deal with these amendments; but it is for the Chairman of the Select Committee to decide that point.

DEPUTY PRESIDENT: Is there any Rule by suspending which we will be able to include this amendment also?

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MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I do not think there is any.

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : One word of explanation, Sir.. The object of the proposed Bill is to rectify certain defects that have arisen in the actual working of the Jenmi and Kudiyan Regulation. A learned writer in the Travancore Law Times has pointed out that, in view of the section I have read out from the amended Regulation, the Amendment Regulation will not affect rights acquired before the date of the Regulation of 1071. Therefore, this is also one of the difficulties that have arisen in the practical working of the Amendment Regulation ; and, as such, it comes legitimately under the proposed Bill. No doubt, since this point did not specifically strike the Law Member when he drafted the Bill, he has not specifically included this in the Bill.

DEPUTY PRESIDENT : Is it possible for you, Mr. P. K Narayana Pillai, to explain whether your point has any affinity or relation with any of the clauses of the proposed Bill ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*): Yes, Sir ; certain rights have been acquired by the jenmies before the date of the 1071 Regulation. The proposed Bill seeks to modify those rights in respect of cherikal lands. But, the sections I have read out, section 44 for instance, says that nothing in the Regulation can affect rights acquired before the date of the 1071 Regulation. Therefore, naturally, the amendment of the sections I have read out has to be considered under this Bill.

DEPUTY PRESIDENT : Your suggestion is that, unless your point is also included, the clauses in the Bill cannot be properly considered ?

MR. P. K. NARAYANA PILLAI (*Ambalapuzha I*) : Yes, Sir.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : When the Select Committee deals with the clauses, this question may be considered and decided by the Chairman of the Select Committee. The point may certainly be considered to the extent to which it affects the clauses of the Bill.

DEPUTY PRESIDENT : If that particular clause in section 44 has any affinity, at least with any of these provisions then we may have to consider it. Unless the whole thing is considered we may not be able to change the law even on the points notified. It may be considered to that exent which will enable the Select Committee to consider that section so far as the amendments now proposed are concerned.

Does the House accept the principle of the Bill ?

The motion that the principle of the Bill be accepted was put to the vote of the House and carried.

The Secretary read the title of the Bill.

MR. KAYALAM PARA ESVARAN PILLAI (*Additional Head Sirkar Vakil*) : I move that the Bill be referred to a Select Committee consisting of the following members :

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1. Mr. Kayalam Parameswaran Pillai.
2. ,, T. K. Velu Pillai.
3. ,, Jayantan Namputiripad.
4. ,, P. C. Narayana Bhatatiri.
5. ,, K. C. Abraham.
6. ,, John Joseph.
7. ,, K. Kunjukrishna Pillai.
8. ,, E. V. Krishna Pillai.
9. ,, K. Sankaran.
10. ,, S. J. Nair.
11. ,, R. Sambasiva Aiyar

to report within four months.

MR. R. M. STATHAM (*Director of Public Instruction*) : I second it.

DEPUTY PRESIDENT : Does the House agree ?

The House accepted the proposal.

THE TRAVANCORE REGISTRATION REGULATION (AMENDMENT) BILL.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) : Sir, I beg to introduce a Bill to amend the Travancore Registration Regulation. The Bill has been published in the Gazette with a Statement of Objects and Reasons. I beg to move that the Bill be read in Council.

MR. R. M. STATHAM (*Director of Public Instruction*) I second it.

MR. KAYALAM PARAMESVARAN PILLAI (*Additional Head Sirkar Vakil*) I shall now proceed briefly to explain the principles of this Bill. There is now in our law, unlike the corresponding British Indian Act, a provision that titles acquired in respect of immovable properties by court transactions should be registered in registry offices. The provision is in section 115. This provision serves a very useful purpose in that it provides a complete record of all the transcations regaring immovable properties registered in registry offices It may be noticed, however, that this section does not make any provision for the registration of attachment of immovable properties An immovable property that is sold through a court will be registered. If a property is attached it is not registered. That is how it stands now. If a person wants to find out whether a property is attached or not he has now no means of getting that information. It is a very useful information that should be available to everybody. This fact came to the notice of the Laws Delays Commissioner and he suggested that some such provision as in the Bill may be made in the Registration Regulation. Recently, the Land Mortgage Bank also found the difficulty, because they lend out moneys very largely on the security of immovable properties. And they have no means of finding whether a property is under attachment or not. This matter was referred to the High Court and the High Court agreed to the proposal that the Regulation may be amended. It may perhaps interest the House to know that in a case reported in Volume XX of the Law journal the High Court adverted to this fact. The proposed amendment proposes

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